

8 Jun 17

From: Preliminary Inquiry Officer, CDR (b) (6), USN
To: Chief, Navy Office of Information
Subj: PRELIMINARY INQUIRY INTO THE FACTS AND CIRCUMSTANCES
SURROUNDING THE STATEMENTS MADE BY LCDR (b) (6), USN

Ref: (a) JAGMAN Chapter II

Encl: (1) JAGINST 5800.7F, Appointment Designation Letter, dated
31 Mar 17
(2) BUPERS ORDERS ICO LCDR (b) (6), USN of 7 Dec 16
(3) Summary of Interview with (b) (6), of 3 Apr 17
(4) Summary of Interview with (b) (6), of 5 Apr 17
(5) Emails of 21 Apr 17 and 24 Apr 17

PRELIMINARY STATEMENT

Per reference (a) and enclosure (1), this report inquired into the facts and circumstances surrounding the statements made by LCDR (b) (6). Based on the allegation LCDR (b) (6) is suspected of an Art.92 orders violation for violating the Navy's EO Policy.

FINDING OF FACTS (FOF)

1. LCDR (b) (6) will be assigned to CHINFO as (b) (6). After reporting to (b) (6), LCDR (b) (6) then visited CHINFO on 29 Mar 17 to meet personnel and discuss (b) (6) prior to leave and house hunting before reporting officially to CHINFO in May.
2. When (b) (6) discussed the (b) (6), (b) (6) spoke with (b) (6). (b) (6) advised (b) (6) supervisor that LCDR (b) (6) addressed the people (b) (6) had worked with on (b) (6) in the past as "colored people" like (b) (6). Encl (3), Encl (4).
3. LCDR (b) (6) called the Navy Secretariat Equal Opportunity officer, YNC (b) (6) and OJAG LCDR (b) (6) to ask questions about equal opportunity complaint and legal process. Encl (5).
4. LCDR (b) (6) was told that LCDR (b) (6) was unable to speak with (b) (6) about this preliminary inquiry as (b) (6) supports the command. Encl (5).
5. LCDR (b) (6) chose not to make a statement. Encl (5).

Subj: PRELIMINARY INQUIRY INTO THE FACTS AND CIRCUMSTANCES
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OPINIONS

1. LCDR (b) (6) wrongfully addressed (b) (6)
2. The Navy expects all personnel military and civilian to work together in diverse environments without fear of being bullied or addressed in a manner not in keeping with the highest standards of conduct of a naval officer.

RECOMMENDATIONS

1. Take no further investigative action per ref (a) based on the sufficiency of the evidence and information provided in the preliminary inquiry. Adopt the preliminary inquiry report as the formal command investigation into the facts and circumstances as alleged, not requiring further inquiry or investigation.
2. Issue LCDR (b) (6) a Letter of Instruction (LOI) to ensure LCDR (b) (6) understands all members of the Navy team are important and must be respected and addressed with appropriate respect. Include in this LOI referral to Navy diversity and equal opportunity training.
3. Review training record to confirm LCDR (b) (6) completed training no later June 30, 2017 as noted in the LOI. Determine if there is additional training required including but not limited to sexual assault prevention and response, transgender, repeal of don't ask, don't tell, suicide prevention, anti-human trafficking, alcohol/chemical dependency prevention, to be completed within six months from checking into CHINFO. (b) (6)

(b) (6)

CDR

USN



DEPARTMENT OF THE NAVY

OFFICE OF INFORMATION
1200 NAVY PENTAGON
WASHINGTON DC 20350-1200

IN REPLY REFER TO

5800

31 Mar 17

From: Chief of Information

To: CDR (b) (6) USN

Subj: PRELIMINARY INQUIRY INTO THE FACTS AND CIRCUMSTANCES
SURROUNDING THE STATEMENTS MADE BY LCDR (b) (6)

Ref: (a) JAGINST, 5800.7F

1. Per reference (a), this appoints you to inquire into the facts and circumstances surrounding the statements made by LCDR (b) (6) to (b) (6), on 29 March 2017, in the CHINFO (b) (6) spaces.

2. Report personnel contacted, materials reviewed, summary of findings, and recommendation as to further action or disposition in letter form by 7 April 2017.

3. Please consult LCDR (b) (6) before commencing your inquiry. (b) (6) will provide you with the necessary references and guidance for your inquiry. (b) (6) can be reached at (b) (6) or via email at (b) (6)


A. E. DERRICK
By direction

LCDR (b) (6)

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ADMINISTRATIVE MESSAGE

ROUTINE

R 071238Z DEC 16 ZYB

FM COMNAVPERSCOM MILLINGTON TN

TO BUPERS MILLINGTON TN
PERSUPP DET WASHINGTON DC
TRANSITPERSU NORFOLK VA
NPASE NORFOLK VA
CHINFO WASHINGTON DC
PERSUPP DET NAVSTA NORFOLK VA

INFO NAVY IPO WASHINGTON DC
COMNAVREG MIDLANT NORFOLK VA

BT
UNCLAS FOUO //N01321//
PASS TO OFFICE CODES:
FM COMNAVPERSCOM MILLINGTON TN//PERS448/PERS455//
TO BUPERS MILLINGTON TN//JJJ//
PERSUPP DET WASHINGTON DC//JJJ//
TRANSITPERSU NORFOLK VA//JJJ//
NPASE NORFOLK VA//JJJ//
CHINFO WASHINGTON DC//JJJ//
PERSUPP DET NAVSTA NORFOLK VA//JJJ//
INFO NAVY IPO WASHINGTON DC//JJJ//
COMNAVREG MIDLANT NORFOLK VA//JJJ//

MSGID/GENADMIN/COMNAVPERSCOM//

SUBJ/BUPERS ORDER//

RMKS/
BUPERS ORDER: 3426 XXX-XX- (b) (6) (PERS-448)

OFFICIAL RECALL ORDERS FOR
LCDR (b) (6) USN
XX
IN CARRYING OUT/PROCESSING THESE ORDERS, BOTH PARTS ONE AND TWO
MUST BE READ AND LISTED INSTRUCTIONS COMPLIED WITH.
FOR OFFICIAL USE ONLY
XX
P A R T O N E

- HOME ADDRESS:
(b) (6)
- WITHIN SEVEN DAYS AFTER RECEIPT OF THESE ORDERS
PROCEED AND REPORT MEDICAL OFFICER DESIGNATED BY
REGION EAST FOR PHYSICAL
EXAMINATION AND SCREENING FOR HUMAN IMMUNODEFICIENCY VIRUS (HIV)
EXPOSURE. NEGATIVE HIV TEST RESULTS MUST BE VERIFIED AND DOCUMENTED
WITHIN 24 MONTHS PRIOR TO EXECUTION OF THE ORDERS. INCLUDE A
FLIGHT PHYSICAL IF BEING ORDERED TO DUTY INVOLVING FLYING. IF FOUND
NOT PHYSICALLY QUALIFIED IMMEDIATELY RETURN ABOVE ADDRESS, UPON
ARRIVAL CONSIDER RELEASED FROM TEMPORARY ACTIVE DUTY. IF FOUND
PHYSICALLY QUALIFIED IMMEDIATELY RETURN ABOVE ADDRESS, UPON ARRIVAL
CONSIDER RELEASED FROM TEMPORARY ACTIVE DUTY UNTIL SUCH TIME AS
NECESSARY TO COMMENCE TRAVEL IN FEB 2017 AND IN TIME TO REPORT AS
DIRECTED BELOW:

- MEMBER DIRECTED: UPON NOTIFICATION OF PCS AND PRIOR TO TRANSFER,
Page 1

LCDR (b) (6)

MEMBER IS REQUIRED TO VISIT THE MOVING MADE EASY TRICARE SITE AT: WWW.TRICARE.MIL/MOVING AND FOLLOW THE INSTRUCTIONS FOR TRANSFERRING THEIR TRICARE PRIME OPTION (IF NECESSARY). IF CARE IS NEEDED WHILE IN TRANSIT, MEMBERS ARE REQUIRED TO CONTACT HIS/HER CURRENT REGIONAL TRICARE CONTRACTOR FOR COUNSELING ON URGENT OR EMERGENCY MEDICAL CARE DURING PCS MOVES. IN THE EVENT OF A TRUE MEDICAL EMERGENCY WHILE IN TRANSIT (SAFEGUARDING LIFE, LIMB OR EYE-SIGHT, OR TO RELIEVE SUFFERING OR SELF-RISK OR HARM), THE BENEFICIARY SHOULD IMMEDIATELY SEEK TREATMENT AT THE NEAREST HOSPITAL'S EMERGENCY DEPARTMENT. TRICARE PRIME ENROLLEES WHO VISIT A CIVILIAN EMERGENCY ROOM MUST NOTIFY THEIR REGIONAL TRICARE CONTRACTOR WITHIN 24 HOURS IN ORDER FOR A REFERRAL FOR EMERGENCY CARE TO BE PROVIDED. IF IT IS DETERMINED THAT A TRICARE PRIME BENEFICIARY HAS OBTAINED ROUTINE CARE (NON-EMERGENT) IN AN EMERGENCY DEPARTMENT, A POINT OF SERVICE CHARGE (PAID BY THE SPONSOR) MAY BE INCURRED. THE TRICARE WEBSITE AND REGIONAL TRICARE CONTRACTORS CAN ALSO PROVIDE GENERAL INFORMATION AND HEALTH CARE OPTIONS AVAILABLE FOR FAMILY MEMBERS NOT ENROLLED IN TRICARE PRIME. FOR INFORMATION REGARDING TRICARE COVERAGE FOR YOU OR YOUR DEPENDENT/S/ IN THE CONTINENTAL UNITED STATES (CONUS), GO TO [HTTP://WWW.TRICARE.MIL/CONTACTUS/CALLUS.ASPX](http://WWW.TRICARE.MIL/CONTACTUS/CALLUS.ASPX) OR CALL YOUR RESPECTIVE REGIONAL TRICARE CONTRACTOR AS FOLLOWS:

- NORTH REGION (HEALTH NET FEDERAL SERVICES, LLC): 1-877-874-2273
- SOUTH REGION (HUMANA MILITARY): 1-800-444-5445
- WEST REGION (UNITED HEALTHCARE MILITARY & VETERANS): 1-877-988-9378

IF YOU HAVE OVERSEAS PCS ORDERS, TRICARE QUESTIONS SHOULD BE DIRECTED TO THE TRICARE OVERSEAS PROGRAM (TOP) CONTRACTOR - INTERNATIONAL SOS. FOR INFORMATION REGARDING THE HEALTHCARE OPTIONS AVAILABLE TO YOU AND YOUR FAMILY WHILE OVERSEAS, CONTACT THE TRICARE SERVICE CENTER LOCATED AT THE MILITARY TREATMENT FACILITY (MTF) THAT SERVES YOUR AREA OR CALL YOUR RESPECTIVE REGIONAL CALL CENTER AS FOLLOWS:

- EURSIA-AFRICA: 44-20-8762-8384
- PACIFIC: 65-6339-2676
- LATIN AMERICA AND CANADA: 1-215-942-8393

IF YOUR PCS ORDERS ARE TO A REMOTE OVERSEAS LOCATION THAT IS NOT SERVICED BY AN MTF, CONTACT THE APPLICABLE PHONE NUMBER ABOVE TO COORDINATE YOUR HEALTHCARE COVERAGE. ADDITIONAL TOP INFORMATION CAN BE FOUND AT: [HTTP://WWW.TRICARE-OVERSEAS.COM/BENEFICIARIES.HTM](http://WWW.TRICARE-OVERSEAS.COM/BENEFICIARIES.HTM).

- MEMBER DIRECTED: UPON RECEIPT OF ORDERS, IF ENROLLED IN THE EXCEPTIONAL FAMILY MEMBER PROGRAM (EFMP), MEMBER IS DIRECTED TO HAVE THE DETACHING FLEET FAMILY SERVICE CENTER EFMP CASE LIAISON (FFSC CL) AND THE HEALTH BENEFITS ADVISOR (HBA) WHO IS THE TRICARE REPRESENTATIVE CONFIRM CARE FOR THE FAMILY MEMBER/S/ WITH THE GAINING FFSC CL AND HBA. ADDITIONAL EFMP INFORMATION CAN BE FOUND ON THE WEB AT: [HTTP://WWW.PUBLIC.NAVY.MIL/BUPERS-NPC/SUPPORT/EFM/PAGES/DEFAULT.ASPX](http://WWW.PUBLIC.NAVY.MIL/BUPERS-NPC/SUPPORT/EFM/PAGES/DEFAULT.ASPX). THE EFMP IS GOVERNED BY OPNAVINST 1754.2D AND SECNAVINST 1754.5B AND MILPERSMAN 1300-700.

----- INTERMEDIATE (01) ACTIVITY /M/ -----

REPORT NET 11 FEB 17 BUT NLT 13 FEB 17

EDA: 13 FEB 17

TO TPU NAVSTA NORVA OTH

UIC: 32002

LOCATION: VA, NORFOLK

FOR TEMPORARY DUTY UNDER INSTRUCTION

ACC: 341

FOR APPROXIMATELY 10 DAY/S/

- PERSONNEL ACCOUNTING SUPPORT: PERSUPPDET NORVA

UIC: 42574

TO INCLUDE 10 DAY/S/ AT PROCESSING

CLASS: CONV: 170213 GRAD: 170222

CDP:

UPON COMPLETION OF TEMPORARY DUTY UNDER INSTRUCTION

AND WHEN DIRECTED, DETACH.

EDD: 22 FEB 17

- REPORT NOT LATER THAN 0730 13 FEB 17 AND NOT EARLIER THAN

11 FEB 17 . REPORTING PRIOR TO NOT EARLIER THAN DATE WILL

TERMINATE LEAVE STATUS AND RESULTS IN NON-PAYMENT OF PER DIEM FOR

PERIOD PRIOR TO THE NOT EARLIER THAN DATE SPECIFIED UNLESS AUTHORIZED UNDER MILPERSMAN 1320-140.

LCDR (b) (6)

----- INTERMEDIATE (02) ACTIVITY /M/ -----

REPORT NET 21 FEB 17 BUT NLT 23 FEB 17

EDA: 23 FEB 17

TO NAVY PA SUPPORT ELEMENT NORVA

UIC: 63376

LOCATION: VA, NORFOLK

FOR TEMPORARY DUTY UNDER INSTRUCTION

ACC: 341

FOR APPROXIMATELY 36 DAY/S/

- PERSONNEL ACCOUNTING SUPPORT: PERSUPPDET NORVA

UIC: 42574

TO INCLUDE 36 DAY/S/ AT TRAINING

CLASS: CONV: 170223 GRAD: 170330

CDP:

UPON COMPLETION OF TEMPORARY DUTY UNDER INSTRUCTION

AND WHEN DIRECTED, DETACH.

EDD: 30 MAR 17

- REPORT NOT LATER THAN 0730 23 FEB 17 AND NOT EARLIER THAN

21 FEB 17 . REPORTING PRIOR TO NOT EARLIER THAN DATE WILL

TERMINATE LEAVE STATUS AND RESULTS IN NON-PAYMENT OF PER DIEM FOR
PERIOD PRIOR TO THE NOT EARLIER THAN DATE SPECIFIED UNLESS AUTHORIZED
UNDER MILPERSMAN 1320-140.

- MEMBER ADVISED: NO PERDIEM/LODGING REIMBURSEMENT AUTHORIZED AT ANY
INTERMEDIATE STOP/S/ IN THE SAME GEOGRAPHIC LOCATION AS THE ULTIMATE
DUTY STATION. EXCEPTION TO THIS POLICY IS ARDUOUS SEA DUTY IDENTIFIED
IN JTR U5120D AND LISTED IN OPNAVINST 4650.17.

- MEMBER DIRECTED: FOR EACH INTERMEDIATE STOP, IF GOVERNMENT
QUARTERS ARE AVAILABLE (BQ/SHIPBOARD BERTHING) AND THE BASE HAS A
GOVERNMENT MESS APPROPRIATED FUND FOOD SERVICE ACTIVITY/GALLEY
AVAILABLE TO THE TRAVELER, USE OF THE GOVERNMENT MEAL PER DIEM
RATE IS DIRECTED. IF GOVERNMENT MESSING IS NOT AVAILABLE OR IS
PARTIALLY AVAILABLE, OBTAIN AN ENDORSEMENT TO THAT EFFECT FROM THE
HOST COMMAND. JTR PARA U4400 APPLIES.

- A. FOR MORE INFORMATION ON YOUR NEXT PERMANENT CHANGE OF STATION
(PCS) VISIT [HTTP://WWW.CNIC.NAVY.MIL/CONTACTHOUSING](http://www.cnic.navy.mil/contacthousing). THIS WEBSITE
PROVIDES ON AND OFF BASE HOUSING CONTACT AND GENERAL INFORMATION
ABOUT NAVY LOCATIONS WORLDWIDE.

- B. MEMBER ADVISED: TO INITIATE HOUSING APPLICATION OR RECEIVE
COMMUNITY HOUSING INFORMATION USE ONLINE HOUSING EARLY APPLICATION
TOOL (HEAT), VISIT [HTTP://WWW.CNIC.NAVY.MIL/HEAT](http://www.cnic.navy.mil/heat)

- C. TO VIEW PRIVATIZED AND COMMUNITY HOUSING LISTINGS AT YOUR NEXT
DUTY STATION VISIT [HTTP://WWW.CNIC.NAVY.MIL/HOMES](http://www.cnic.navy.mil/homes) FOR MORE
INFORMATION ON THIS DEPARTMENT OF DEFENSE SPONSORED WEBSITE.

----- ULTIMATE ACTIVITY /M/ -----

REPORT NOT LATER THAN MAY 17

TO CHINFO, (b) (6)

EDA: MAY 17

PERMANENT DUTY STATION DC, WASHINGTON

UIC: 47691

FOR DUTY

ACC: 100

BSC: 10010

PRD: 2005

- MEMBER ADVISED: CHILDCARE INFORMATION AND REGISTRATION FOR NEW
DUTY STATION IS AVAILABLE AT: [HTTPS://WWW.CNIC.NAVY.MIL/CYP](https://www.cnic.navy.mil/cyp)

- IT IS IMPERATIVE THAT THE SUPPORTING PERSUPPDET THAT PROCESSES
THESE ORDERS NOTIFY NAVPERSCOM MILLINGTON (PERS-80C3 AND PERS-8023)
IMMEDIATELY UPON THE EXECUTION OF THESE ORDERS. THIS NOTIFICATION
IS REQUIRED TO ENSURE ACTIVATION OF SNO'S ACTIVE FILE FROM THE NAVAL
RESERVE TO ACTIVE DUTY. ALSO THE ASSIGNMENT OF PROPER ACCOUNTING
CLASSIFICATION CODE (ACC 100), AND THEREBY ENSURING PROPER
CONSIDERATION ON SNO'S FILE WITH PERTINENT ACTIVE SELECTION BOARDS.
IF PERS-80C3 IS NOT NOTIFIED OF THE ACTUAL REPORTING DATE (THE DATE
THE MEMBER REPORTED) OF THESE ORDERS. IT WILL RESULT IN THE SNO
MEMBER HAVING PAY AND PROMOTIONAL PROBLEMS. POC: EMAIL P80C3@
PERSNET.NAVY.MIL PHONE COMM:(901) 874-3209 OR DSN 882-3209. POC FOR
PERS-8023 EMAIL: P8023@PERSNET.NAVY.MIL PHONE COMM: (901) 874-4537 OR
DSN: 882-4537.

- MEMBER ADVISED: NAVY LODGE IS THE OFFICIAL GOVERNMENT LODGING WHEN
ON PCS ORDERS. FOR RESERVATIONS CALL 1-800-628-9466 OR VISIT WEBSITE
WWW.NAVY-LODGE.COM. FOR ADDITIONAL GOVERNMENT LODGING OPTIONS MAY BE

LCDR (b) (6)

LOCATED AT WEBSITE WWW.DODLODGING.NET OR CALL TOLL FREE 1-877-NAVY-BED (1-877-628-9233) TO DETERMINE GOVERNMENT LODGING AVAILABILITY IN THE VICINITY OF OLD AND NEW PERMANENT DUTY STATIONS. RESERVATIONS ARE REQUIRED TO ENSURE ROOM AVAILABILITY.

----- ADDITIONAL DUTY ACTIVITY -----
----- ACCOUNTING DATA -----

PCS ACCOUNTING DATA:

MAC CIC: N0002217CSW5664

CIC: AE2L71SL

LOA: 1771453.2250 210 00022 068566 2D SW5664 000227242008

SDN: N0002217CSW5664

TAC: NA27

NTS ACCOUNTING DATA:(USE BUPERS CROSSWALK)

NTS TAC: NN6

SAC LOA: 1771453.2250 210 00022 068566 2D SW5664 000227242008

NTS SDN: N00022__CSSNN6

TEM DUINS ACCOUNTING DATA FOR FY-17

LOA: 1771804.22MM 210 62980 0 068566 2D OW5664 00022708100E

SDN: N0002217TOW5664

BUPERS ORDER: 3426 (b) (6) (PERS-448)

OFFICIAL RECALL ORDERS FOR

LCDR (b) (6) USN

- MEMBER ADVISED: IF THIS ORDER CONTAINS FY17 OM&N (TRAINING PER DIEM) FUNDING, PROGRAM/FUND ALLOCATION IS ISSUED IN ANTICIPATION OF ENACTMENT OF THE FY17 DOD APPROPRIATIONS ACT OR A FY17 CONTINUING RESOLUTION (CR) AND IS SUBJECT TO AVAILABILITY OF FUNDS AND ALL PROVISIONS OF WHICHEVER ACT IS APPLICABLE.

- DETACHING COMMAND: IF TRANSOCEANIC TRAVEL WILL BE PERFORMED BY MEMBER, PORT CALL ASSIGNED BY THE NAVY PASSENGER TRANSPORTATION OFFICE WILL CANCEL THE REPORT NOT LATER THAN (NLT) DATE, AT RECEIVING COMMAND, AND SHALL CONSTITUTE THE SPECIFIC DATE MEMBER IS TO REPORT FOR TRANSPORTATION. IF THIS IS AN MODIFICATION CANCELLATION OR MODIFICATION OF PORT CALL MAY BE REQUIRED. IF SO, IMMEDIATELY CONTACT SERVICING NPTO. OPNAVINST 4650.15 SERIES REFERS.

- COMPLY WITH MILPERSMAN 1320-110 REGARDING TRAVEL TIME AUTHORIZED IN EXECUTION OF THESE ORDERS.

- MEMBER ADVISED: IF YOU WERE PREVIOUSLY RELEASED FROM ACTIVE DUTY UNDER SPECIAL SEPARATION BENEFITS (SSB) OR VOLUNTARY SEPARATION INCENTIVE (VSI) PROGRAMS, OR RECEIVED SEPARATION PAY, PAYMENTS RECEIVED WILL BE DEDUCTED FROM RETIRED PAY SHOULD YOU SUBSEQUENTLY QUALIFY FOR SUCH PAY. YOU ARE DIRECTED TO REVIEW APPICABLE DIRECTIVE IN TITLE 10, U.S. CODE, SECTIONS 1174 AND 1175.

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- MEMBER ADVISED: UPON ARRIVAL AT NEW DUTY STATION, ENSURE UPDATED PHONE/FAX NUMBER AND EMAIL ADDRESS ARE FORWARDED FOR INCLUSION IN THE PAO DIRECTORY. THE REGISTRATION FORM IS LOCATED AT:

HTTPS://PORTAL.SECNAV.NAVY.MIL/ORGS/CHINFO/LISTS/PA 20DIRECTORY/SEARCH.ASPX.

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- DETACHING COMMAND: ENSURE MEMBER HAS A COMPLETED AND DOCUMENTED HIV TEST WITHIN 24 MONTHS OF EDD. EVERY EFFORT SHOULD BE MADE TO ENSURE RESULTS ARE RECEIVED PRIOR TO TRANSFER. HOWEVER, IF RESULTS ARE NOT RECEIVED, ENSURE MEMBER'S MEDICAL/DENTAL RECORD REFLECTS THAT THE MEMBER'S TEST WAS COMPLETED AND AWAITING RESULTS. TEST RESULTS SHOULD BE FORWARDED TO NEW DUTY STATION UPON RECEIPT FOR INCORPORATION IN MEDICAL/DENTAL RECORDS.

MBR IS DETACHING FROM HOME, (b) (6)

- THIS TRANSFER FUNDED FOR MEMBER AND AUTH DEPENDENTS AS REFLECTED ON SERVICE RECORD PAGE TWO, PER JTR U5215, DEPENDENTS ACQUIRED ON OR PRIOR TO THE EFFECTIVE DATE OF ORDERS ARE AUTH TRAVEL/TRANSP ALLOWANCES FROM THE PLACE AT WHICH ACQUIRED TO THE NEW PDS, UP TO THE

TVL/TRANSP ENTITLEMENT FOR TVL FROM OLD PDS TO THE NEW PDS. PLEASE REFER TO JTR APPENDIX A FOR DEFINITION OF EFFECTIVE DATE OF PCS ORDERS.

----- SPECIAL INSTRUCTIONS -----

- MEMBER DIRECTED: ACTION REQUIRED (AFFECTS PAY): IAW MILPERSMAN 1000-025, PROVIDE CHECK-IN DOCUMENTS WITHIN 4 DAYS OF ARRIVAL TO THE DESIGNATED COMMAND PASS COORDINATOR. REQUIRED DOCUMENTS LIST AT: [HTTPS://MPTE.PORTAL.NAVY.MIL/SITES/NPC/PERS2/NPPSC 20INSTRUCTIONS/CHECKLISTS/NPPSC_1320.1B_2_RECEIPT_CHECKLIST.PDF](https://MPTE.PORTAL.NAVY.MIL/SITES/NPC/PERS2/NPPSC%20INSTRUCTIONS/CHECKLISTS/NPPSC_1320.1B_2_RECEIPT_CHECKLIST.PDF). CHECK-IN/CHECK-OUT STAMP/S/ REQUIRED FROM EACH ACTIVITY.
- MEMBERS WHO RECEIVE PCS ORDERS WHEN THEIR OLD AND NEW PERMANENT DUTY STATIONS ARE WITHIN CLOSE PROXIMITY TO EACH OTHER (BASED ON A REASONABLE COMMUTE DETERMINED BY THE GAINING CO) MAY BE ELIGIBLE TO RECEIVE A CLOSE PROXIMITY WAIVER AND RECEIVE BAH BASED ON THEIR OLD PDS LOCATION. SEE NAVADMIN 101/10 FOR WAIVER ELIGIBILITY REQUIREMENTS AND PROCEDURES. GO TO: [HTTP://WWW.PUBLIC.NAVY.MIL/BUPERS-NPC/REFERENCE/MESSAGES/PAGES/DEFAULT.ASPX](http://www.PUBLIC.NAVY.MIL/BUPERS-NPC/REFERENCE/MESSAGES/PAGES/DEFAULT.ASPX).
- MEMBER ADVISED: IN CASES WHERE THESE ORDERS CONFLICT WITH THE JOINT TRAVEL REGULATIONS OR ANY OTHER REGULATION, THE REGULATION PREVAILS.
- MEMBER ADVISED: IAW MILPERSMAN 1320-308, AUTHORIZE TRANSPORTATION COST REIMBURSEMENT FOR EXCESS BAGGAGE UP TO AND NOT TO EXCEED THE FOLLOWING: /A/ ONE (1) PIECE FOR PILOTS, AIRCREW, DIVERS, AND PERSONNEL WHO MUST CARRY SPECIAL ISSUE GEAR WITH THEM /B/ TWO (2) PIECES FOR ATTACHES. SERVICE MEMBERS IN RECEIPT OF PCS ORDERS TO FORWARD DEPLOYED UNITS ARE ADVISED THAT CERTAIN AIRLINES MAY CHARGE EXCESS BAGGAGE FEES. REIMBURSEMENT MAY BE REQUESTED IN ACCORDANCE WITH JOINT TRAVEL REGULATIONS (JTR) 3105-B UPON REPORTING TO YOUR ULTIMATE DUTY STATION. CONTACT PERS-40CC FOR ENLISTED PERSONNEL OR COGNIZANT DETAILER FOR OFFICERS. CONSULT YOUR LOCAL HOUSEHOLD GOODS (HHG) PERSONAL PROPERTY OFFICE REGARDING SPECIFIC HHG AND PERSONAL PROPERTY SHIPMENT ENTITLEMENTS.
- MEMBER ADVISED: SHIPPING HHG? HAVE MOVE QUESTIONS? WANT TO MAKE A DIFFERENCE? NOW YOU CAN PROCESS YOUR HHG SHIPMENT APPLICATION AND RECEIVE COUNSELING ON LINE AT YOUR CONVENIENCE AT: WWW.MOVE.MIL. YOU MUST COMPLETE THE CUSTOMER SATISFACTION SURVEY AFTER MOVE IS COMPLETE. CONTACT TRANSPORTATION SPECIALIST TO ANSWER QUESTIONS AND PROVIDE GUIDANCE CONCERNING YOUR HHG SHIPMENT MONDAY THROUGH FRIDAY 0800-1700 EASTERN TIME AT 1-855-HHG-MOVE OR BY EMAIL AT: HOUSEHOLDGOODS@NAVY.MIL.
- MEMBER DIRECTED: FOR INFORMATION REGARDING YOUR ULTIMATE DUTY STATION CONTACT THE NEAREST DEPARTMENT OF DEFENSE FAMILY SERVICE CENTER OR RELOCATION ASSISTANCE OFFICE. 1-800-372-5463.
- YOU ARE ORDERED TO TEMPORARY ACTIVE NAVAL SERVICE FOR THE PURPOSE OF PHYSICAL EXAMINATION AND CONSIDERED IN TEMPORARY ACTIVE DUTY STATUS DURING TIME REQUIRED AND TRAVEL NECESSARY.
- IF FOUND NOT PHYSICALLY QUALIFIED EXAMINING MEDICAL OFFICER ADVISE NPC BY MESSAGE, (ATTN: PERS-448) REFERENCING THESE ORDERS, STATING DEFECTS IN DETAIL WITH ACTION TAKEN AND RECOMMENDATIONS, IF ANY, WITH INFORMATION COPIES TO BUMED AND COURTESY COPY ADDRESSEES ON THIS ORDER.
- MEMBER ADVISED: TRAVEL VIA PRIVATE OWNED CONVEYANCE IS PERMITTED AT YOUR OPTION FOR YOUR CONVENIENCE.
- IF SERVING UNDER ORDERS AUTHORIZING YOUR PARTICIPATION IN THE NAVAL RESERVE TRAINING PROGRAM IN A PAY OR NON-PAY STATUS, YOU ARE DIRECTED TO REQUEST TERMINATION OF YOUR INACTIVE DUTY TRAINING ORDERS, VIA THE APPROPRIATE CHAIN OF COMMAND, TO BE EFFECTIVE NOT LATER THAN THE DAY PRECEDING THE DATE OF REPORTING TO ACTIVE DUTY IN COMPLIANCE WITH THESE ORDERS.
- AS SOON AS PRACTICAL FOLLOWING RECEIPT OF THESE ORDERS (IMMEDIATELY IF DETACHMENT IS IN LESS THAN 90 DAYS) COMMANDS SHALL ENSURE MEMBERS ACCESS THEIR NSIPS/ESR SELF SERVICE ACCOUNT TO COMPLETE/SUBMIT THE PCS TRAVEL INFORMATION. TO ACCESS THE AUTOMATED SYSTEM, THE MEMBER

LCDR (b) (6)

SHOULD LOGON TO THEIR ESR ACCOUNT, THEN SELECT THE 'UPDATE PCS TRAVEL' LINK ON THEIR ESR HOMEPAGE. FOR CONVENIENCE, THERE IS AN 'AUTO-FILL' FEATURE THAT AUTOMATICALLY COMPLETES THE PCS ITINERARY FROM THE MEMBER'S CURRENT ACTIVE ORDERS. MEMBERS NEED ONLY COMPLETE OR ADJUST PCS DETAILS SPECIFIC TO DEPENDENT TRAVEL, HOUSEHOLD GOODS WEIGHTS AND/OR POV SHIPMENTS. USE OF THE HARDCOPY PCS TRAVEL INFORMATION FORM (NAVPERS 7040/1) SHOULD ONLY OCCUR IF NSIPS ACCESS IS UNAVAILABLE. IN THOSE RARE CASES THAT NSIPS CANNOT BE USED, OBTAIN THE NAVPERS 7040/1 FROM YOUR COMMAND PASS COORDINATOR AND SUBMIT TO THE PERMANENT CHANGE OF STATION VARIANCE COMPONENT VIA YOUR SERVICING PERSONNEL SUPPORT DETACHMENT/PERSONNEL OFFICE. FURTHER DETAILS CAN BE OBTAINED IN BUPERSINST 7040.6 (SERIES) OR BUPERSINST 7040.7 (SERIES) INSTRUCTIONS TO CREATE/ACCESS A SELF SERVICE ESR ACCOUNT ARE LOCATED ON THE NSIPS SPLASH SCREEN, [HTTPS://NSIPSPROD.NMCI.NAVY.MIL/NSIPSCLO/JSP/INDEX.JSP](https://nsipsprod.nmci.navy.mil/nsipsclo/jsp/index.jsp) (UNDER 'USER INFORMATION').

- PASS COPIES OF THESE ORDERS TO PERS-9.
- FOR COMMAND MAILING ADDRESS CONSULT THE STANDARD NAVAL DISTRIBUTION LIST (SNDL) ONLINE AT [HTTP://DONI.DAPS.DLA.MIL/SNDL.ASPX](http://doni.daps.dla.mil/sndl.aspx) OR VISIT YOUR PSA, PSD OR ADMIN OFFICE.

(SIGNED)

R. A. BROWN

REAR ADMIRAL, U. S. NAVY

COMMANDER NAVY PERSONNEL COMMAND

FORMAT 401: REMEMBER TO READ YOUR ORDERS IN THEIR ENTIRETY
THIS MESSAGE HAS BEEN SENT IN A SECURE ENVIRONMENT. HOWEVER, IF IT MUST BE FORWARDED VIA EMAIL TO PERSON/S/ WITH A NEED TO KNOW, YOU MUST ENSURE PROPER SAFEGUARDS ARE TAKEN TO PROTECT THE CONTENTS SINCE IT MAY CONTAIN SENSITIVE PII. YOU MUST ENCRYPT AND DIGITALLY SIGN ALL EMAILS THAT CONTAIN SENSITIVE PII. IF THE EMAIL FAILS TO SEND BECAUSE OF ENCRYPTION ISSUES, DO NOT SEND UNENCRYPTED AS THAT ACTION CONSTITUTES A PII BREACH AND MUST BE REPORTED. INSTEAD, CONTACT YOUR IAM FOR ASSISTANCE. SENSITIVE PII IS DEFINED AS THAT INFORMATION ABOUT AN INDIVIDUAL THAT, IF LOST, STOLEN OR COMPROMISED WOULD CAUSE UNDUE HARM AND AN UNWARRANTED INVASION OF PERSONAL PRIVACY.

PERS462

BT

#0159

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(b) (6)

Re: Complaint of a Racial Remark

I, (b) (6) hereby make the following statement to CDR (b) (6) USN, who has identified (b) (6) as an Investigating Officer for Navy Chief of Information.

Please allow this letter to serve as my statement of complaint of a racial statement made by U.S. Navy CDR (b) (6)

On approximately Wednesday March 29, 2017 about 11:40am (b) (6) and I were working in (b) (6) when CDR (b) (6) came into the office to get a better understanding about (b) (6) and (b) (6). I begin to explain to CDR (b) (6) of how (b) (6) works with help from (b) (6). Then, CDR (b) (6) stated " (YEAH, I NEED TO UNDERSTAND THIS BECAUSE THE PERSON THAT'S GOING TO (b) (6) IS COLORED JUST LIKE Y'ALL TWO)" the conversation ended shortly after this comment.

Ultimately, I am really having a difficult time grasping the fact that a Navy Commander made this racial statement in our face without an ounce of remorse or regret. This really sickens me because; I have never experienced this head on in this manner from a person holding a leadership role. I sat in front of my computer monitor trying to process what just took place in total SHOCK and disbelief, from what (b) (6) had just said to us in our face. I could not fathom that (b) (6) just made that statement to us and (b) (6) acted as if it was alright to say that to the two of us. (b) (6) then got up and proceeded to leave out the office and didn't think twice to what (b) (6) just stated to the both of us. I stated to (b) (6) did you just hear what (b) (6) just said to us? (b) (6) called us colored to our face like it was alright. (b) (6) stated (b) (6) was a little taken back and surprised (b) (6) because (b) (6) heard (b) (6) but (b) (6) was like, " I know I just didn't hear (b) (6) say that" but I confirmed what (b) (6) thought (b) (6) heard him say. I immediately then got up from my desk and went in to our supervisor office (b) (6) to report what had just took place out near our desk.

(b) (6)

4.3.17

4-3-17

(b) (6)

Complaint of Racist Statement

I, (b) (6) hereby make the following statement to CDR (b) (6) USN, who has been identified as an Investigating Officer for Navy Chief of Information.

This letter will serve as my statement of complaint of a racial statement made by U.S. Navy CDR (b) (6) on 29 March 2017.

On March 28, 2017 while out of the office on sick leave, I receive a phone call from (b) (6) asking me to (b) (6) for CDR (b) (6) in (b) (6). Upon review of (b) (6) I informed (b) (6) that CDR (b) (6) were (b) (6). I told (b) (6) I would (b) (6) (b) (6) and but (b) (6) needs to come over to our spaces when he reported to CHINFO so (b) (6) or I could (b) (6) (b) (6) or (b) (6). On the morning of March 29, 2017 approximately 9:00am CDR (b) (6) brought CDR (b) (6) over to (b) (6) spaces located at 1200 Navy Pentagon room (b) (6) and I explain to (b) (6) that (b) (6) needed to be (b) (6) (b) (6) (b) (6) (b) (6) (b) (6) said (b) (6) would come back later and talk with us so we could educate (b) (6) on (b) (6).

Approximately 11:40am (b) (6) and I were (b) (6) when CDR (b) (6) came into the office to get a better understanding of (b) (6) and how (b) (6) (b) (6) began to explain to (b) (6) how (b) (6) works with help from me. CDR (b) (6) stated we were the people to get to know and (b) (6) proceeded to say " (**YEAH, I NEED TO UNDERSTAND THIS BECAUSE THE PERSON THAT'S GOING TO (b) (6) MY (b) (6) IS COLORED JUST LIKE Y'ALL TWO**) " the conversation ended shortly after (b) (6) comment. (b) (6) proceeded to exit (b) (6) spaces and didn't think twice about what (b) (6) had just stated to the both us. We were both shocked and for me I had to register the statement in my mind because I could not believe that the statement actually came out of (b) (6) mouth in 2017. (b) (6) walked over to my desk and asked if I heard what (b) (6) had said to us and I replied I thought I was hearing things but (b) (6) confirmed what I heard (b) (6) say. (b) (6) just called us colored to our faces as if it was an everyday conversation. I was a little taken back and surprised because I haven't heard racist statement like that since I was in elementary school during the

1960's. I was even more shocked and surprised by (b) (6) statement with (b) (6) being a part of the Public Affairs Community where (b) (6) will come in contact multi adversity personnel throughout the community.

(b) (6) immediately reported the incident to our supervisor (b) (6) on what CDR (b) (6) stated.

(b) (6)

April 5, 2017

(b) (6)

April 5, 2017

(b) (6) CDR CHINFO (b) (6)

From: (b) (6) CDR CHINFO, (b) (6)
Sent: Monday, April 24, 2017 19:34
To: (b) (6)
Subject: RE: [Non-DoD Source] returning your voicemail
Signed By: (b) (6)

(b) (6)

Thank you for your response.

Very respectfully,

(b) (6)

CDR (b) (6)
Office: (b) (6)

-----Original Message-----

From: (b) (6)
Sent: Monday, April 24, 2017 5:00 PM
To: (b) (6) CDR CHINFO (b) (6)
Subject: RE: [Non-DoD Source] returning your voicemail

CDR:

Thank you for your message and for the copy of the 31 March 2017 letter.

Because I do not wish to engage in government business during an approved leave period, I am going to decline to participate in this inquiry.

Furthermore - and with the hope of saving you and CAPT (b) (6) any unnecessary time and effort, because the subject of the inquiry is narrowly focused on conduct that I am alleged to have engaged in, I am also going, at this point, to decline to make any statement, pursuant to Article 31 of the Uniform Code of Military Justice.

I have sent a more detailed discussion of my view of the legalities and equities to counsel for CHINFO. As I detailed in my note to (b) (6), should my participation in the inquiry be essential merely from a fact-finding point of view, I would certainly be glad to consider providing a statement in the event that either appropriate stipulations are made as to my not being suspected of any offense under applicable law and regulation or an appropriate grant of immunity is made by the GCMCA, should the government wish to handle the matter at that level.

Also, should the command wish to engage in an informal resolution of any complaint or allegation initiated by a third party, I would be very happy to participate constructively, amicably, and sincerely in that process, provided it respect the rights of all concerned (including, of course, my own), with a view towards maintaining the best possible command climate and ensuring that all concerned genuinely feel that their worth and dignity as human beings and as DON team members are properly honored and respected.

I also request, in advance, a copy of your report and of all related documentation, and will be submitting such a request in parallel to the appropriate office under the Freedom of Information and Privacy Acts. This "heads up" is merely to save you a bit of time and effort in the event you are afforded any leeway in releasing any documentation to me without the need for the formal process.

Yours very respectfully,

(b) (6)

-----Original Message-----

From: (b) (6) CDR CHINFO (b) (6) [mailto:(b) (6)]

Sent: Monday, April 24, 2017 1:30 PM

To: (b) (6)

Subject: RE: [Non-DoD Source] returning your voicemail

(b) (6)

I have been tasked to conduct a preliminary inquiry into the facts and circumstances surrounding your visit to the CHINFO spaces on March 29, 2017.

Attached is my appointing order. I have been tasked with gathering facts and evidence as part of my preliminary inquiry. I have no authority to turn any evidence over to you. Upon completion of my inquiry, any statements or other evidence developed in my inquiry will be included in a report that will be submitted to RDML Cutler.

I am required to submit my report, regardless of whether or not you choose to participate. The deadline of my report has been extended to Monday, 1 May. If you would like to cooperate, you can let me know what time would work best with your leave schedule and we can arrange a meeting. I am available Thursday and Friday of this week. If you are not willing to set up an appointment to meet with me, I will contact the (b) (6) to determine if he is willing to recall you from leave for the purpose of meeting with me.

Very respectfully,

(b) (6)

CDR (b) (6)

Office: (b) (6)

-----Original Message-----

From: (b) (6)

Sent: Friday, April 21, 2017 5:52 PM

To: (b) (6) CDR CHINFO (b) (6)

Subject: [Non-DoD Source] returning your voicemail

CDR:

I received your voicemail today.

As a reminder, I am on leave currently, performing no military duties in accordance with that status. (I was at the zoo with my family when you left your message.)

I also have not yet reported to CHINFO and do not do so until later next month, pursuant to my current orders.

If you have any answers to the questions I put to you during our last conversation and to which I alluded in my email to counsel for the CA (which was evidently forwarded to you yesterday), I will consider them in deciding whether to accede to your request for an interview.

Please put them in an email so that I can give them thorough consideration and so that they are memorialized for the record.

Yours very respectfully,

(b) (6)

A solid black rectangular box used to redact a signature.

(b) (6) CDR CHINFO (b) (6)

From: (b) (6) LCDR OJAG, Code 13
Sent: Monday, April 24, 2017 17:38
To: (b) (6) CDR CHINFO (b) (6)
Subject: FW: [Non-DoD Source] returning your voicemail
Signed By: (b) (6)

(b) (6)

I received the below email from LCDR (b) (6). I note that in the sixth paragraph (b) (6) invokes (b) (6) Art. 31b right to remain silent. It looks like you won't need to make a trip to Norfolk, after all. I recommend drafting up a brief MFR noting this fact and including it in your report.

Let me know if you need anything else.

V/r,

(b) (6)

LCDR (b) (6) JAGC, USN
Office of the Judge Advocate General
Administrative Law (Code 13)
Pentagon, Room 4D641
Washington, DC 20350-1000
☎: (b) (6)

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-----Original Message-----

From: (b) (6)
Sent: Monday, April 24, 2017 5:04 PM
To: (b) (6) LCDR OJAG, Code 13
Subject: RE: [Non-DoD Source] returning your voicemail

Dear LCDR (b) (6)

I write in conjunction with the 31 March 2017 letter ("Letter") from the Navy Chief of Information (CHINFO), which I just received, directing CDR (b) (6) USN, to conduct a preliminary inquiry into "statements [allegedly] made" by myself. I address the following observations to you as counsel for CHINFO and as the attorney designated by the Letter as responsible for providing "references and guidance" for the inquiry.

I prefer not to conduct government business during my period of authorized leave and have therefore declined the invitation to present myself for an interview in conjunction with this inquiry. I have so notified CDR (b) (6)

Additionally, because I have been on leave since 4 April 2017, the phone calls and other correspondence I have been obliged to engage in regarding this matter between 17 April 2017 and today have already arguably infringed my leave status to the extent that such status lawfully exempts me from the performance of military duties beyond those that may be imposed on the basis of an extraordinary necessity.

Moreover, as you may not be aware, although I had travel orders directing my visit to CHINFO for the period 29 to 30 March 2017, I voluntarily spent a portion of my subsequent day of travel -- 31 March 2017 -- in CHINFO spaces, and I was accessible there until roughly 1300 hours. (Incidentally, the fact that I was not informed, even as a matter of simple professional courtesy, of the initiation of an inquiry [on 31 March 17] while I was still present and performing military duties [during an authorized day of travel] does little to inspire confidence that the time-honored leadership principle of "loyalty down" is recognized or practiced, notwithstanding whether the principle is enshrined in any law or regulation.)

I note also that because I did not begin leave until 4 April 2017, I could easily have been contacted - at least via personal telephone or email contact information, which all concerned parties have had for several months - prior to my commencing a leave status. This prompt notice would have enabled the completion of the inquiry within the deadline directed by the 31 March 2017 letter and pursuant to the deadline imposed by the Manual for the Judge Advocate General (JAGMAN), section 0203e (now passed by more than two and a half weeks).

As a courtesy to CHINFO and any other command that may be invited to be involved in this matter, I also wish to advise you that, in view of the fact that the 31 March 2017 Letter clearly indicates that the inquiry is exclusively concerned with statements that I am alleged to have made, I decline to participate in an interview on the matter, pursuant to UCMJ Article 31 (10 U.S.C. 831), subsections (a) and (b). I also decline to do so in light of applicable provisions of the Fifth Amendment to the U.S.

Constitution, which guarantees due-process to any person facing possible adverse administrative or criminal sanction. Regardless of its technical form, this due-process involves at a minimum "notice and the right to respond" -- and such notice (which I have not received and which has not been offered, despite my requests) necessarily includes 1) a definite statement of any allegation or charge, 2) an identification of the statutory or regulatory standards arguably applying to an accused's conduct, and 3) relevant evidence in support of the government's case. These constitutional guarantees arguably apply whether or not they are specifically implemented by statute or regulation.

I also wish to note the following for the record.

Barring exceptions not relevant here, the only kind of preliminary inquiry provided for by the JAGMAN, which the 31 March 2017 Letter references, though without specifying a section, is that discussed at section 0203. At the same time, because none of the eventual outcomes of a Section 0203 investigation appear even remotely appropriate with respect to the matter raised in the 31 March 2017 Letter, the JAGMAN section 0201b would appear to foreclose the use of 0203 as the investigatory tool in this case and mandate recourse to procedures that afford appropriate due-process protections should eventual disciplinary or criminal action be contemplated.

Pertinent regulations (to include the MILPERSMAN 1610-040, para. 3; OPNAVINST 5354.1F, encl. (5) para. 1.b) also indicate that informal complaints involving Equal Opportunity (EO) are addressed between service members or DON employees. Since I have not been notified by any military member or DON employee that my conduct gave rise to any offense, any complaint in this area must necessarily fall into the "formal" category. Nevertheless, I have received none of the due-process protections afforded by OPNAVINST 5354.1F, enclosure (5), in the context of formal-complaint resolution.

Finally, pursuit of obviously frivolous charges or allegations will, inter alia, raise ethical concerns under Rule 3.1 of the Rules of Professional Conduct of the Judge Advocate General, and I respectfully recommend reflection on this aspect of the issue prior to the continuation of any further action. A consideration, most broadly, of relevant statutes and

regulations should make absolutely clear that there is no chance whatsoever of my having violated any applicable standard: because the traditional concept of "fair notice" (and its corollary with regard to statutory vagueness) makes it necessary for an accused to be adequately advised by law, regulation, custom, usage, or other promulgated policy that a contemplated remark is proscribed; because promulgated DOD and DON directives tailor proscribed conduct in the EO arena to a narrow scope, utterly unrelated to any speech or conduct I engaged in during my two-day visit to CHINFO; because generally federal law in this area makes it clear that "offhand comments or isolated incidents" are not criminal; and because speech not traditionally unprotected or otherwise tangibly contrary to order and discipline or disruptive of military-mission accomplishment is protected under the First Amendment to the U.S. Constitution. Given the clearly lawful nature of whatever conduct I am accused of having engaged in, aggressive pursuit of the matter in formal channels may contravene rules that bar the pursuit of any matter in any proceeding absent a non-frivolous basis for doing so.

If, however, the government's view is that my participation is essential to resolve or close this inquiry, and it is prepared to obviate the due-process and self-incrimination concerns noted above by stipulating in writing that 1) I am not suspected of having committed any offense, and 2) that any possibility of adverse action of any kind arising from this matter is foreclosed, I would be happy to consider participating. Presumably a proper grant of immunity would also facilitate my participation in closing out this matter, should the GCMCA wish to handle the matter at that level.

And, should the government wish to ratchet this matter back to an appropriately informal and personal level, as contemplated by pertinent regulations, the principle enshrined in RCM 306(b), and the dictates of basic common sense, I would be more than happy to participate in any process designed to resolve this matter consistent with the rights and responsibilities of all concerned, with a view towards ensuring that all members of the command and of the DON feel that their value and worth both as human beings and as DON team members are properly acknowledged, respected, and honored.

Yours very respectfully,

(b) (6)

-----Original Message-----

From: (b) (6) CDR CHINFO (b) (6) [mailto:(b) (6)]

Sent: Monday, April 24, 2017 1:30 PM

To: (b) (6)

Subject: RE: [Non-DoD Source] returning your voicemail

(b) (6)

I have been tasked to conduct a preliminary inquiry into the facts and circumstances surrounding your visit to the CHINFO spaces on March 29, 2017.

Attached is my appointing order. I have been tasked with gathering facts and evidence as part of my preliminary inquiry. I have no authority to turn any evidence over to you. Upon completion of my inquiry, any statements or other evidence developed in my inquiry will be included in a report that will be submitted to RDML Cutler.

I am required to submit my report, regardless of whether or not you choose to participate. The deadline of my report has been extended to Monday, 1 May. If you would like to cooperate, you can let me know what time would work best with your leave schedule and we can arrange a meeting. I am available Thursday and Friday of this week. If you are not willing to set up an appointment to meet with me, I will contact the (b) (6) to determine if he is willing to recall you from leave for the purpose of meeting with me.

Very respectfully,

(b) (6)

CDR (b) (6)
Office: (b) (6)

-----Original Message-----

From: (b) (6)
Sent: Friday, April 21, 2017 5:52 PM
To: (b) (6) CDR CHINFO (b) (6)
Subject: [Non-DoD Source] returning your voicemail

CDR:

I received your voicemail today.

As a reminder, I am on leave currently, performing no military duties in accordance with that status. (I was at the zoo with my family when you left your message.)

I also have not yet reported to CHINFO and do not do so until later next month, pursuant to my current orders.

If you have any answers to the questions I put to you during our last conversation and to which I alluded in my email to counsel for the CA (which was evidently forwarded to you yesterday), I will consider them in deciding whether to accede to your request for an interview.

Please put them in an email so that I can give them thorough consideration and so that they are memorialized for the record.

Yours very respectfully,

(b) (6)